

[30th January 1923]

III

ACT ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR-GENERAL.

The hon. the PRESIDENT :—" I have to inform the House that the Malabar (Completion of Trials) Act, 1922, received the assent of His Excellency the Governor-General on the 17th January 1923."

IV

COMMUNICATION TO THE COUNCIL.

The SECRETARY laid on the table the report of the Famine Code Revision Committee.*

V

'CONGESTION OF NON-OFFICIAL BUSINESS' COMMITTEE.

The SECRETARY laid on the table the report of the Committee appointed by the hon. the President to consider and report on the question of remedying the congestion of non-official business in the Council.

To
THE HONOURABLE THE PRESIDENT OF THE MADRAS LEGISLATIVE COUNCIL.

We, the undersigned members of the Committee appointed at the meeting of the Council held on 22nd December 1922 to consider and report how far the present congestion of non-official business in the Council can be remedied, have the honour to submit the following report.

The Committee met in the Committee room of the Legislative Council at 3 p.m. on Saturday, the 23rd December 1922, and again at 11 a.m. on Tuesday, the 9th January 1923. The following members were present :—

First meeting.

- (1) M.R.Ry. Diwan Bahadur P. Kesava Pillai Avargal (Deputy President and Chairman).
- (2) " " Sir T. Desika Achariyar Avargal.
- (3) The Rev. W. Meston.
- (4) M.R.Ry. M. Ratnaswami Avargal.
- (5) The hon. the Raja of Panagal.
- (6) M.R.Ry. Rao Bahadur T. A. Ramalinga Chettiyar Avargal.
- (7) " C. Ramalinga Reddi Garu.
- (8) " O. Tanikachala Chettiyar Avargal.
- (9) " P. T. Rajan Avargal.
- (10) " Diwan Bahadur M. Ramachandra Rao Pantulu Garu.
- (11) Khan Bahadur Muhammad Usman Sahib Bahadur.
- (12) M.R.Ry. Diwan Bahadur L. D. Swamikannu Pillai Avargal (Secretary).

Second meeting.

- (1) M.R.Ry. M. Ratnaswami Avargal (Chairman, in the chair).
- (2) " Diwan Bahadur M. Krishnan Nayar Avargal.
- (3) " " R. Venkataratnam Nayudu Garu.
- (4) " T. Arumainatha Pillai Avargal.
- (5) The Rev. W. Meston.
- (6) M.R.Ry. Rao Bahadur T. A. Ramalinga Chettiyar Avargal.
- (7) " C. Ramalinga Reddi Garu.
- (8) " P. T. Rajan Avargal.
- (9) " Diwan Bahadur M. Ramachandra Rao Pantulu Garu.
- (10) Khan Bahadur Muhammad Usman Sahib Bahadur.
- (11) M.R.Ry. Diwan Bahadur L. D. Swamikannu Pillai Avargal (Secretary).

30th January 1923]

The first point considered was, on what basis the agenda for any meeting of the Council should be arranged so far as non-official business was concerned. Legislative Council Rule 6 states that the Governor shall, at the commencement of each session, allot a certain number of days for the business of non-official members in the Council, and may from time to time during the session alter such allotment and that on these days such business shall have precedence. No allotment of days for non-official business has hitherto been made by His Excellency the Governor under this rule, presumably because at all the meetings with the exception of those held in November and December 1922 the duration of each meeting and the amount of Government business to be done thereat were such that it was always possible to get through a considerable amount of non-official business at the meeting. The five days' meeting held in December 1922 was probably the first meeting at which no non-official business was transacted, such business having been excluded entirely by Government business and the Committee fear, that if this state of things were to continue, most of the members of Council would cease to have any stimulating interest in their duty as members.

2. Accordingly the Committee are of opinion that it is desirable that His Excellency the Governor should be moved to allot in future a definite number of days at each monthly meeting as the minimum for the transaction of non-official business, with the proviso that, should the Government business be over sooner than the number of days reserved therefor at such meeting, nothing should preclude the Council from taking up the non-official business appointed for that month in the order of the agenda and *vice versa* in regard to the transaction of official business on the days appointed for non-official business. Considering that the present disposition of the Council is not to sit for more than five days as a rule in any particular month, and that it is in favour of a meeting beginning ordinarily on a Monday and ending on the following Friday, the Committee are of opinion that His Excellency the Governor might be moved by the hon. the President to appoint one of such days as the maximum allowable for motions asking for leave to introduce, and those proposing the actual introduction of, non-official members' Bills and two days as a minimum for non-official business of all descriptions including Bills, with the proviso, as before, that the business allotted for these two days might be taken up in the appointed order on any other day in each monthly meeting on which time might be available for non-official business.

3. Of the two classes of business usually brought up by non-official members, viz., (1) Bills and (2) resolutions, the practice hitherto in regard to Bills has been to arrange the motions so that they may come at the end of the Government legislative business and before notices of resolutions by non-official members. Under the letter of Standing Order 5 (2) the relative precedence of notices (of both Bills and resolutions) given by non-official members should be determined by a ballot; but though a ballot for resolutions has been introduced in the Madras Council and has been worked there for some time past, there has so far been no ballot in respect of non-official members' Bills and this plan has been to the advantage of such Bills because the practice has been to enter all such notices on the agenda without discriminating among them by ballot. In the Indian Legislative Assembly Bills and resolutions are balloted for separately; in the Punjab, if a member's name is drawn at a ballot, he has to select either a Bill or a resolution, but not both; the Bengal procedure seems to be more or less like that in the Punjab.

4. The Committee thinks that when necessary there should be a ballot for Bills also, and that the discussion of all Bills balloted for by non-official members should be confined to one of the two days recommended above as a normal allotment for each monthly meeting. The result of this recommendation would be that on the first day allotted for non-official business, all the Bills of which notice had been given would be considered in the order of the ballot, but no Bill would be allowed to trespass on the second day which should, in any case, be reserved for resolutions. Should Bills take up less than the first of the allotted days, then notices of resolutions would be taken up during the remainder of the first day and continued on the second day.

5. According to the method of ballot now followed by the Secretary, all resolutions of which notice has been received and which have been admitted are entered on the agenda paper in the order of the ballot, whatever may be the number of such motions. In a recent month the number of motions balloted for and entered on the agenda paper for a single month's meeting was as many as 210, but hardly forty of these motions had been disposed of by the end of the month's meeting. The result of this method has been not merely waste of stationery, the same motions having had to be repeated month after month on the agenda paper with the certain prospect that not more than a few of them could be taken up before the end of the session; but what was far more serious, the various departments of the Secretariat had probably prepared notes for the use of the members of the Cabinet in respect of all these 210 resolutions and printed them up, and the great bulk of the preparatory work thus done will have to be thrown away at the end of the session, when the notices of undisposed of motions will automatically lapse and most of them will not be renewed next session.

6. To remedy this state of things, the Committee would propose firstly, that only the first thirty names of members drawn at a ballot in respect of any monthly meeting should appear on the agenda paper for that month; secondly, that there should appear against each of such members' names only that one resolution which he has selected out of several of which he may

[30th January 1923]

have given notice, and thirdly, that such of the thirty motions as are not disposed of at the end of the month's meeting should lapse, the members who have given notice of them being, however, at liberty to enter them again for the ballot preceding the following month's meeting. This method, the Committee are convinced, would give members an abiding interest during the rest of the session in respect of resolutions that had lapsed in the early part of it; and, on the other hand, an opportunity would be given to a member not to press at subsequent ballots a motion in which either the public or he himself had lost interest, and such motions would with advantage disappear from the agenda paper, whereas now a motion balloted for in September is kept alive till March of the following year. Thirty motions for two days are a large number, compared with five for each day which are all that can be balloted for according to the rules of the Legislative Assembly; but in recommending thirty motions as the possible business for two days, the Committee are desirous of providing for the contingency of a number of resolutions balloted for not being pressed or possibly not being moved at all.

7. The Committee expect that, if the first three days of a month's meeting should prove not to be enough for the transaction of Government business, and assuming that monthly meetings would ordinarily commence on a Monday, then the Thursday and Friday of that week would be devoted, as above recommended, to non-official business of all kinds, and Monday, Tuesday and other days in the following week might, if deemed necessary, be reserved by Government for the completion of such items of their business as had not been disposed of in the previous week.

8. The recommendations made so far by the Committee are such as can be given effect to without an amendment of the Standing Orders, because it is open to His Excellency the Governor, under the existing rules, to allot two days in each monthly meeting, as suggested above, for non-official business, and it is open to the Secretary, under the orders of the hon. the President, to hold the ballots for Bills and for resolutions in the manner now recommended, and also to put down on the agenda paper for the month only the first thirty motions drawn at the ballot of that month. But in respect of the following matter an amendment of the Standing Orders would probably be necessary.

9. The question relates to the admission of motions by non-official members on matters of public interest but not in the form of recommendations to the Government. At present a 'resolution' is defined in rule 2 as a motion for the purpose of discussing a matter of general public interest; and rule 23 provides that every resolution shall be in the form of a specific recommendation addressed to the Government. Since Standing Orders can, under section 72 D. (7) of the Government of India Act, be made only in those matters which are not provided for by rules made under that Act, it would seem that the definition of 'resolutions' cannot be enlarged by Standing Orders so as to include opinions expressed by the Council on matters of public interest but not forming the basis of a recommendation to the Government. But although the Rules and Standing Orders at present contemplate only two kinds of motions, viz., (1) those for recommendations to be made to the Government, including motions for the reduction or omission of budget demands, and (2) motions for adjournment of the business in order to discuss matters of urgent public importance, nevertheless, it would not be unreasonable to hold that other classes of motions also can be discussed in a Legislative Council provided the Standing Orders are first amended so as not to trench on the provisions made by rule in regard to resolutions. A subsidiary question that might arise is, how such motions should rank among the various classes of non-official business, and whether three ballots should be held (1) for Bills, (2) for motions for recommendations to be made to the Government, and (3) for motions on other matters. The Committee understand that His Excellency the Governor has already expressed his readiness to allot a day for the discussion of motions of class (3) which would generally be more urgent than (2) and less urgent only in comparison with motions for adjournment. Still, it may be advisable to ask only for a definite portion, instead of for the whole, of the first or of the second day, say, half a working day for the discussion of the first two or three of such of these motions as have been drawn at a ballot. It would often be within the discretion of a non-official member whether his notice of a motion should be worded so as to bring it under class (2) or class (3); and from this point of view perhaps there is not much to be said in favour of discriminating between (2) and (3) in the ballot; but by giving a separate compartment in the ballot to motions which are not recommendations to the Government, members would have the satisfaction that at least two or three of such motions would be taken up at every monthly meeting.

10. Accordingly, the Committee are of opinion that motions for the purpose of discussing matters of public interest, not being specific recommendations to the Government, might, by a suitable amendment to the Standing Orders, be allotted a definite place in the order of the

Paragraphs 10—13.

Note.—The hon. the Raja of Panagal, the first Minister, was not present at the second meeting at which this part of the Committee's report was passed; but all the members then present agreed to it.

business of the House, and that this place should be after non-official Bills and before resolutions which are specific recommendations to the Government; also that the ballot for this new class of motions should be held separately from those for Bills and for resolutions properly so called.

11. As a matter closely related to the question of devising remedies for the present congestion of non-official business, the Committee next considered the present procedure and practice

30th January 1923]

in regard to questions and answers. In the first place, the Committee beg to invite the attention of the hon. the President to the serious delays on the part of the Government in answering several questions, and they would request that suitable steps be taken for expediting answers in future. In the second place, the Committee are of opinion and resolve to recommend that the practice of distinguishing starred questions from unstarred ones should be introduced into the Madras Council and that in addition to their being printed as at present and laid on the table of the House half an hour before each meeting, the answers to starred questions should be read out by the Member of the Government or by the Minister responsible for them. The Committee would recommend that, as in the House of Commons, only those members should be entitled to have starred questions answered orally who are present in the House and acknowledge their questions.

12. The Committee believe it to be a fact recognized by every one concerned that the present congestion of non-official business is due to the holding of monthly meetings only when, and to the extent, required for the transaction of official business. As a remedy for this state of things, the Committee have already suggested that His Excellency should be moved to allot in future a definite number of days at each monthly meeting as the minimum for the transaction of non-official business; but the Committee believe that it is also necessary to emphasize the principle that, even if the Government are not ready with any business of their own in any particular month, a meeting should nevertheless be held regularly every month, while the House is in session, so long as there is non-official business to be disposed of. The Committee would recall the fact that in October 1922 no meeting was held for the more reason that the Government had no business then ready, and that the arrears of non-official business which might have been disposed of, had a meeting been held in that month, have contributed to the present congestion.

13. The last point considered was, in what respect the Standing Orders should be amended in order to relieve the congestion of non-official business. The Committee are of opinion that such of the recommendations in this report, as are not contingent on amendments of the Standing Orders, might, if approved, be given effect to at once by the hon. the President. For instance, in the matter of the ballot for resolutions, it would be some relief if all the notices of the resolutions now standing on the agenda paper, and notices received in time for the next meeting could be balloted for again according to the method above recommended by the Committee; and for this apparently no amendment of the Standing Orders is necessary. Such of the recommendations now made as require amendments of the Standing Orders may be placed before the House in the form of suitable amendments to the Standing Orders at the earliest opportunity either by the hon. the Leader or by some other hon. Member of the House. A draft of the amendments which the Committee consider to be sufficient for the present is appended to this report.

P. KESAVA PILLAI.
R. VENKATARATNAM NAYUDU.
T. DESIKA ACHARI.
W. MESTON.
M. RATNASWAMI.
P. RAMARAYANINGAR (*subject to a minute of dissent*).
T. A. RAMALINGAM CHETTY.
C. R. REDDY.
C. TANIKACHALA CHETTY.
P. T. RAJAN.
MR. AMACHANDRA RAO.
M. KRISHNAN NAYAR.
MR. USMAN SAHIB.
T. ARUMAINATHA PILLAI (*subject to a minute of dissent*).

L. D. SWAMIKANNU,
Secretary.

APPENDIX.

After Standing Order 65 insert as Standing Orders 65-A and 65-B with the heading—

Motions not otherwise provided for.

65-A. A member desiring to make a motion which is not in the form of a recommendation addressed to the Government and which is not otherwise provided for in the Rules and Standing Orders shall, unless the President otherwise directs, give six days' notice of the same. Such motions shall, in regard to admissibility, be subject to the same reservations and restrictions, so far as the same are applicable, as resolutions on matters of general public interest.

65-B. For the purpose of Standing Order 5 (2) there shall be a separate ballot for motions admitted under Standing Order 65-A, and they shall be ranked in the order of business after Bills of which notice has been given by non-official members and before resolutions of which similar notice has been given.

[30th January 1923]

MINUTES OF DISSENT.

(1)

With reference to the draft of the report to be submitted by the Committee and sent to me for my suggestions, if any, I believe I shall be within my right as a member of the Committee if I make the following observations with regard to the decision of the Committee arrived at at its first meeting held on the 23rd December 1922. At that meeting, it seems to have been generally understood that the present disposition of the Council is not to sit for more than five days every month. Now that the Committee has decided that three days should be devoted to Government business and two days to non-official business, I am of opinion that there will be congestion both in the Government business and in the non-official business as well. Legislative measures like the University Bill, Irrigation Bill and Religious Endowments Bill can never be expected to be finished within the time allotted for the disposal of the Government business. Hence the only other alternative is to adjourn these Bills to the subsequent meetings. Adjournment of important legislative measures when only some of the clauses have been discussed leads to a break in the trend of thoughts and arguments. Attempting to finish them within the time reserved for Government must necessarily involve perfunctoriness in the making of Acts which will lead to serious consequences as Bills like resolutions are not mere recommendations to Government.

Having had the good fortune to have worked in the Legislative Council, even though for a short time, before the reformed Councils came into existence, I really think that the arrangement of the sittings of the Council under the old system is much superior to the present arrangement. When at the last Budget session a question was raised as to the enormous travelling allowances of the non-official members of the Legislative Council, the hon. the President suggested as a method of retrenchment that meetings might, if the members liked, be held once in two months. Looking at the present state of affairs I would heartily support the suggestion of the hon. the President and would further add that each sitting of the Council should continue till the business on the agenda is completed. To this it may be said that the mufassal members especially would be put to a lot of inconvenience and loss. Public work does require a good deal of sacrifice and I am sure that no member whether from the mufassal or not will grudge to do his duty by his constituency and his country even at a sacrifice to himself. When members of the pre-reform days Legislative Councils sat at a stretch for fifteen days and sometimes for a month I do not see any reason why the present Council members should be charged with a lack of a sense of their duty and public spirit.

If my suggestion is adopted then the difficulties mentioned in paragraph 5 of the draft report will instantaneously vanish and almost all subsequent recommendations of the Committee would be quite unnecessary.

T. ARUMAINATHA PILLAI.

(2)

With reference to the report of the Committee on non-official business, I am afraid, I cannot agree to the proposal to recommend to His Excellency for setting apart for non-official business the fourth and fifth days of every monthly sitting of the Legislative Council. Occasions there may be for official business to continue for more than three days. If on such occasions, the fourth and fifth days of the sitting are set apart for non-official business, there will be, even in the event of the duration of the Council sitting being extended to more than five days, an inevitable break in the continuity of official business. This break cannot but hamper the Government. If setting apart some time for non-official business is indispensable, the least inconvenient way to do it, of course, from the Government point of view, would be that His Excellency should, before fixing the time for the Council sitting, ascertain the probable duration of time required for official business, and after setting apart for that business the required number of days, appoint time for non-official business at the end of the sitting, if necessary extending the period of sitting to more than five days.

I am also against the proposal of thirty names of members drawn at a ballot in respect of any monthly sitting of the Council appearing on the agenda paper, each member with liberty to move one of his resolutions, notice of which is previously given. This proposal would necessitate the departments noting on thirty resolutions in one month, though there can be no chance of these thirty resolutions being taken up in that month. I think it would be quite sufficient to table at the most twenty resolutions for a monthly sitting. There could be hardly time to finish even these twenty resolutions in any one sitting. By reducing the number from thirty to twenty, a great deal of unnecessary waste of official time and stationery can be prevented.

I am of opinion that, in the present state of our Council, it is not desirable to introduce into it the system of starring the questions. The Council sittings are generally of short duration. If the answers to starred questions are to be read out, and numberless supplementary questions are allowed to be asked, the time to be taken up for questions and answers would necessarily be very much longer, not infrequently leaving little time for other work. Moreover, the Council will have to gain a great deal more of parliamentary experience before that system can, with advantage, be introduced.

21st January 1923.

P. RAMARAYANINGAR.

30th January 1923]

The hon. the PRESIDENT :—" I should like to say a few words in regard to the report which has just been laid on the table. I am sure that the House will agree with me that we are indebted to the Committee for the careful manner in which they have dealt with the subject and for the promptitude with which they have reported. Their recommendations fall under three heads :—

" Firstly, there are matters within the discretion of His Excellency the Governor. Of this class are the recommendations in paragraphs 2 and 7 regarding allotment of time for non-official business, and the request in paragraph 11 that suitable steps may be taken for expediting answers to questions.

" Secondly, there are recommendations which can be given effect to by the President in virtue of his powers under the Rules and Standing Orders ; to this class belong the recommendation in paragraph 11 regarding the manner in which questions shall be put and answers given and that in paragraph 12 regarding the holding of monthly meetings while the House is in session.

" Thirdly, there are changes of procedure which can be given effect to only by amending the Standing Orders ; of this class, in my opinion, are the recommendations in paragraphs 4, 6, 10 and 13.

" I wish to say in regard to the recommendations of the first class that I have laid the report before His Excellency the Governor for consideration ; the recommendations belonging to the second class are being examined and will receive my early attention, while in regard to the recommendations of the third class, all I could say at present is that pending a formal motion for amendments to the Standing Orders, which it is open to any hon. Member to make, I would prefer not to express any opinion, as the proper time for me to express such opinion would be when I sit as the President of the committee which will have to consider and report on the changes proposed."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" May I say one word, Sir ? It appears from the agenda for this meeting that there are questions left unanswered for a long time. The dates of these questions as noted in the agenda paper are 12th September, 6th October, 13th November, 14th November, 2nd December, 8th December and 14th December 1922 and 12th January 1923. I should like only to invite your attention as to whether this inordinate delay in the answering of these questions is conducive to the speedy transaction of public business. At times some hon. Members even forget the questions of which they have given notice. I should think, Sir, that this is also a matter partly within your jurisdiction and I would therefore request you to see what steps can be taken to expedite the answering of questions sent to Government."

The hon. the PRESIDENT :—" Probably the hon. Member would go a little further and say what exactly he proposes that I should do."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I believe, Sir, that under the existing Standing Orders every time there is a question and that question is not answered, the Government have to apply to you for extension of time, and in that way I do think, Sir, that you, as President of this assembly, have a voice in the matter."

The hon. the PRESIDENT :—" I believe that extension of time in every one of these cases has been formally applied for and granted. This question came up some time ago and I think we then agreed to the rule that the

[The President]

[30th January 1923]

Government must answer within time or apply for extension. Since then they have been applying for extension, and when the Government say that they are unable to get the information by a particular date and that therefore they want extension, how is it possible for me to tell them 'no; you should be able to answer'? That would be invading the privileges of the administration."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"If that is so, I should submit that the question may be placed in the agenda and if the hon. Member wishes to apply for any extension of time, he may be in a position to tell us the reasons for the delay in answering a particular question, say, referring to September last. Has the machinery of Government become so slow that it is not able to get anything out of its own officers for the information of this House?"

The hon. the PRESIDENT :—"Perhaps the hon. Leader of the House may enlighten the House on the point."

The hon. Sir CHARLES TODHUNTER :—"I am afraid, Sir, I cannot enlighten the House about questions which do not arise in my department; but the obvious remedy will be to appoint more secretaries to deal with the enormous mass of questions which is now blocking the machinery of Government."

The hon. the PRESIDENT :—"I do not think I can say anything more about it now. But I may suggest that if the House considers that the machinery is not satisfactory and that the answers are not coming in time, it is perfectly open to the House to appoint a committee to go into the whole question and to report on the matter. Unless a particular question is taken up and the reasons for the delay in answering it are obtained and considered, the committee will not be able to say, nor will the House be able to know, whether the delay is reasonable or not. As I have already said, it is impossible for me now to express any opinion offhand in regard to this and the Leader of the House has told us already that he cannot give any opinion."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I am quite aware
11-15 a.m. that I myself cannot suggest any remedy all at once. My object is to enable my hon. friend, who represents not only his own department but the Government as a whole, to know that it is not courteous to this House to have questions, notices of which were given so long ago as the 12th September and the 6th October, unanswered for such a long time. Therefore, there must be some—may I say without any offence?—sense of responsibility to this House in expediting answers."

VI

MOTION TO APPOINT A COMMITTEE TO REPORT THE FUNCTIONS OF THE DEPUTY PRESIDENT.

The hon. Sir K. SRINIVASA AYYANGAR :—"Sir, I move—

That this Council resolves to appoint a committee consisting of the following members of the Council to examine and report on the question of the functions of the Deputy President and the limitations, if any, which should, or can, be imposed on the power of the Deputy President to move resolutions or